

Message Text

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ACTION SCI-06

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TO SECSTATE WASHDC PRIORITY 3218

INFO AEC/GERMANTOWN PRIORITY

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TAGS: IAEA, TECH

SUBJ: AMENDMENT TO U.S./IAEA AGREEMENT FOR COOPERATION

REF: STATE A-6805 DTD 8/8/73

1. RE DRAFT AMENDMENT TRANSMITTED REFAIR, AGENCY (STEIN) HAS INFORMALLY PROVIDED FOLLOWING VIEWS, NOTING THAT THEY REFLECT DISCUSSIONS "IN-HOUSE" WITH KEY AGENCY STAFF MEMBERS INVOLVED.

2. AGENCY DESIRES ADD FOLLOWING CLAUSE FOLLOWED BY SEMICOLON AT END OF AMENDED ARTICLE VI: "PROVIDED, HOWEVER, THAT THE PERIOD OF THIS AGREEMENT MAY BE EXTENDED AT ANY TIME BY MUTUAL AGREEMENT OF THE PARTIES." AGENCY BELIEVES THIS WOULD BE DESIRABLE PRIMARILY FOR OPTICAL REASONS, SINCE MEMBER STATES THAT MAY WISH REQUEST FUEL FOR POWER REACTOR THROUGH AGENCY FOUR OR FIVE YEARS FROM NOW AND LATER MIGHT FEEL MORE COMFORTABLE KNOWING THAT AGREEMENT FOR COOPERATION EXPLICITLY PROVIDED THAT IT MAY BE FURTHER EXTENDED IF PARTIES AGREE, TAKING INTO ACCOUNT DESIRABILITY OF PROVIDING ASSURED MECHANISM FOR OBTAINING FUEL OVER EXPECTED LIFETIME OF POWER REACTOR, I.E. 30 YEARS. MISSION RECOMMENDS ACCEPTANCE.

3. AGENCY STRONGLY PREFERENCES RETAIN REFERENCE TO U.S. GIFT OFFER (SEE PARAGRAPH B OF ARTICLE II OF AGREEMENT FOR COOPERATION) AGAIN PRIMARILY FOR OPTICAL REASONS. THIS COULD BE DONE BY REVISING (INSTEAD OF DELETING) PARAGRAPH B TO READ AS FOLLOWS: "NOTING IN THIS AGREEMENT SHALL AFFECT THE EXISTENCE OF THE COMMISSION'S
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AUTHORITY TO ASSIST AND ENCOURAGE RESEARCH ON PEACEFUL USES OR FOR

MEDICAL THERAPY BY MAKING SPECIAL NUCLEAR MATERIAL AVAILABLE TO THE AGENCY WITHOUT CHARGE DURING ANY CALENDAR YEAR IN A QUANTITY WHICH AT THE TIME OF TRANSFER DOES NOT EXCEED IN VALUE U.S. \$50,000." (THIS CLOSELY TRACKS EXISTING LANGUAGE.) MISSION SOUGHT TO PERSUADE AGENCY THAT THIS IS UNNECESSARY AND COULD BE DEALT WITH IN DG'S COVERING MEMORANDUM, BUT AGENCY URGED THAT WE INQUIRE WHETHER RETAINING REFERENCE TO GIFT OFFER WOULD BE ACCEPTABLE TO U.S., NOTING THAT PRECISE LANGUAGE UNIMPORTANT. WE AGREED REFER MATTER TO WASHINGTON. MISSION REGARDS AGENCY'S PROPOSAL AS INNOCUOUS AND SEES NO RPT NO REASON TO OBJECT.

4. AGENCY ALSO INTENDS, IN ITS FORMAL RESPONSE, TO CONFIRM ITS UNDERSTANDING THAT THE U.S. COMMITMENT SET FORTH IN PARAGRAPH A OF ARTICLE II CONTINUES TO BE BINDING, NOTWITHSTANDING AEC'S REVISED ENRICHMENT SERVICES CRITERIA. MISSION SEES NO RPT NO PROBLEM ON THIS POINT.

5. IF U.S. AGREEABLE TO FOREGOING AGENCY PROPOSALS, ARTICLE I OF DRAFT AMENDMENT COULD BE REVISED AS FOLLOWS: "ARTICLE II OF THE AGREEMENT FOR COOPERATION IS AMENDED BY REVISING PARAGRAPH B TO READ AS FOLLOWS: (QUOTE LANGUAGE IN PARA 3 ABOVE), AND BY DELETING PARAGRAPH E AND RE-LETTERING PARAGRAPH F AS E." ARTICLE II COULD BE AMENDED TO READ AS FOLLOWS: "ARTICLE VI OF THE AGREEMENT FOR COOPERATION IS AMENDED BY DELETING 'TWENTY YEARS' AND SUBSTITUTING IN LIEU THEREOF 'FIFTY-FIVE YEARS; PROVIDED...' ETC. (QUOTE REMAINING PART FROM LANGUAGE IN PARA 1 ABOVE).

6. AGENCY IS PREPARED PROVIDE US WITH FORMAL RESPONSE IMMEDIATELY, IF FOREGOING ACCEPTABLE, RECOGNIZING TIGHT TIME SCHEDULE FOR COMPLETING NECESSARY STEPS TO BRING AMENDMENT BEFORE SEPTEMBER BOARD.

7. ADVISE SOONEST.LABOWITZ

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